

**Personnel, Operations & Procedures Committee
Volusia Growth Management Commission**

MINUTES FOR
MEETING HELD
Wednesday, February 27, 2019

City of Daytona Beach Commission Chambers
301 S. Ridgewood Avenue
Daytona Beach, FL

The meeting was called to order at 6:11 p.m. by Committee Chair James Wachtel.

The following POP Committee Members were present: Committee Chair James Wachtel, John Meikle, Larry Saffer, Robert Storke, Mary Swiderski and Sid Vihlen, Jr. Also in attendance were VGMC Chair Debbie Connors, VGMC Legal Counsel Heather Ramos, VGMC Planning Consultant Chris Dougherty and VGMC Operations Manager Merry Chris Smith.

NEW BUSINESS

- 1) Approval of the minutes of the September 26, 2018 POP Committee meeting

Mary Swiderski made a motion to approve the minutes of the September 26, 2018 POP Committee meeting as presented; seconded by John Meikle. Motion carried unanimously.

- 2) Annual Performance Evaluation of VGMC Operations Manager

The committee members present and Chair Connors submitted their evaluations of Ms. Smith's performance to Committee Chair, James Wachtel. After perusing the evaluations, Mr. Wachtel stated they reflect nearly a unanimous ranking of outstanding on each of the performance criteria. He expressed appreciation to Ms. Smith for her work.

- 3) Review VGMC Rules of Procedure for Meetings, Membership and Operations

Mr. Wachtel stated the VGMC Rules of Procedures presently contain a provision requiring the Budget Committee to meet a minimum of four times per year. He stated that in some years, the commission doesn't even meet four times per year. There is a recommendation to strike that language from the Rules of Procedure, however, Mr. Wachtel suggested that since the committee and commission must meet at least twice to prepare and approve the budget each year, the language be changed to reflect the Budget Committee must meet a minimum of two times per year. Several members expressed agreement.

Larry Saffer made a motion for legal to draft a resolution changing the Budget Committee meeting requirement in the Rules of Procedure from meeting a minimum of four times per year, to meeting a minimum of two times per year. Mary Swiderski seconded the motion. The motion carried unanimously. Ms. Ramos will draft the resolution and bring it back for further consideration by the POP Committee and commission at the March 27, 2019 meeting.

Commissioner Storke asked if the information sent out from the VGMC office each month covers the provision in Article VIII, Section 3 which states “A staff report shall be presented to the Commission every thirty days.” Ms. Smith responded that she provides each commission member with a pending case log and year-to-date budget expense report each month, either as part of an agenda package or notice of meeting cancellation, which she has considered satisfies this requirement of the rules.

4) Discuss Application Review Process

Chairman Wachtel asked Ms. Smith to provide some background on this issue. Ms. Smith explained that when the Consistency Certification Rules & Regs were amended in 2016 through the Charter Review process, there were several changes to the review process and timeline, specifically with respect to the large scale process, which have recently raised some question.

Ms. Smith stated the only provision in the rules that tolls time to take action on an application is the issuance of a Request for Additional Information (RAI). The timeline to issue an RAI was reduced from 30 days to 14 days (from the date the application is received) when the rules were amended. Therefore, if a formal RAI is not issued within the first 14 days, and if another unit of local government issues comments or requests additional information within their 28 day review period but fails to specifically request a public hearing, the VGMC has no option under the new rules than to certify the amendment as consistent.

Mr. Wachtel asked Mr. Dougherty and Ms. Ramos to comment on the issue and provide any suggested ways to address the matter. Mr. Dougherty stated he felt there may be several contributing factors, including possible confusion at the local government level in terms of what changed during the rules amendments and the impact on the review process, and perhaps reluctance on the part of the local governments to issue objections. He then discussed a specific application in which a local government recently issued comments in the form of an RAI on day 28, however, time could not be tolled to act on the application. Additionally, since the commenting local government did not request a public hearing, the VGMC planning report was issued citing the findings and concerns, however, the VGMC was compelled to issue a certificate of consistency despite the existence of outstanding concerns.

Ms. Smith stepped out the meeting at approximately 6:30 p.m. to attend the Budget Committee meeting.

Mr. Dougherty suggested that a reorientation of the current VGMC rules with the local government planners may be necessary. He also discussed the State review process of the local government comprehensive plan amendments.

Ms. Ramos explained that any proposed changes to the Consistency Rules and Regulations would require County Council approval. Instead, she stated staff feels the issue could in part be addressed by adding more precise language to the communications that go out to the local governments

which, for example, would provide the specific date a response is necessary in order to issue an RAI.

Mr. Vihlen commented on the rules amendment process from several years ago, the substantial number of meetings which occurred and included representation of the local governments, the concerns raised about the VGMC at the time, and the changes made that were in part intended to reduce the review time and to give the local governments the control of whether or not an application came before the VGMC at a public hearing. Several committee members commented that the issue which has surfaced relating to the change in the RAI timeline is likely an unintended consequence of the change in rules.

There was general discussion regarding the process and timeframe that some of the larger local governments have in place in terms of authorizing comments to be issued and/or a public hearing be requested on an application. Mr. Dougherty added that he feels there are local governments that do not necessarily understand the significance of the change in the processing and timeframes.

Mr. Wachtel asked if staff has seen turnover in the planning departments of the local governments which would contribute to the lack of understanding of the VGMC rules. Ms. Ramos commented that she felt adding specific dates and language to the communications the VGMC sends out to the local governments will help in that respect as well.

Ms. Connors asked for clarification regarding the ability of the VGMC staff to independently issue an RAI. Mr. Dougherty responded that since the rules were amended and based upon comments made by the local government representatives throughout the rules review process, it was generally interpreted that once the application is received and “deemed complete”, an RAI should only be issued if another unit of local government requested information. Ms. Ramos stated the VGMC is allowed to independently request an RAI under the provision in the rules. Ms. Connors commented that we should ask for information if it is necessary for our review.

Discussion ensued relating to adding more specific language to the communications that are sent to the local government, as well as contacting the local governments by phone if issues are identified by staff.

Mr. Saffer commented that it appears to be an educational and discipline issue, and he asked if staff felt 14 days was sufficient time to issue an RAI. Mr. Dougherty responded that he felt 14 days was sufficient.

Ms. Ramos stated that staff also discussed holding a workshop with the local government planners to review the current rules with them. The committee discussed possible venues where the local government planners convene. Doug Gutierrez stated the local planning forum is the FPZA who provides educational sessions. Mr. Gutierrez stated he could provide Mr. Dougherty with the contact for FPZA.

Mr. Wachtel asked Ms. Ramos & Mr. Dougherty to make some suggestions and pass the information through Ms. Smith. He added that we don't necessarily need to meet again on the issue, but this appears to be an unintended consequence that puts the local government in a bind and needs to be dealt with.

OLD BUSINESS

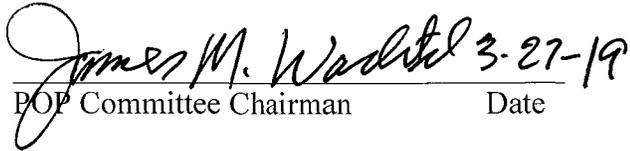
None

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:50 p.m.


POP Committee Chairman Date